

visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Shirley Constantino Tan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shirley Constantino Tan under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) **PAYGO.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4863. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4864. Ms. CANTWELL (for herself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, supra; which was ordered to lie on the table.

SA 4865. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4863. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G title V, add the following:

SEC. 596. PROHIBITION ON DISCHARGING OR WITHHOLDING PAY OR BENEFITS FROM NATIONAL GUARD MEMBERS BASED ON COVID-19 VACCINATION STATUS.

(a) **IN GENERAL.**—The Secretary of Defense shall not, based on whether or not a member of the National Guard has received a COVID-19 vaccine, take any of the following actions:

(1) Involuntarily discharge or discipline the member under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) Withhold pay or benefits from the member.

(3) Prohibit the member from participating in training or using equipment funded by amounts appropriated by an Act of Congress.

(b) **PAY AND BENEFITS INCLUDED.**—The pay and benefits referred to in subsection (a)(2) include the following:

(1) Basic pay and special pay under title 37, United States Code, or title 10, United States Code.

(2) Medical and dental care under chapter 55 of title 10, United States Code.

(3) Transitional health benefits under section 1145 of such title.

(4) Commissary and exchange benefits under section 1146 of such title.

SA 4864. Ms. CANTWELL (for herself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME MATTERS **Subtitle A—Maritime Administration**

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2022, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary to support the United States Merchant Marine Academy, \$90,532,000, of which—

(A) \$85,032,000, to remain available until September 30, 2023, shall be for Academy operations; and

(B) \$5,500,000, to remain available until expended, shall be for facilities maintenance and repair and equipment.

(2) For expenses necessary for operations, support, and training activities for the State maritime academies, \$50,780,000, of which—

(A) \$2,400,000, to remain available until September 30, 2026, shall be for the Student Incentive Program;

(B) \$6,000,000, to remain available until September 30, 2023, shall be for direct payments for State maritime academies;

(C) \$3,800,000, to remain available until expended, shall be for training ship fuel assistance;

(D) \$8,080,000, to remain available until expended, shall be for offsetting the costs of training ship sharing; and

(E) \$30,500,000, to remain available until expended, shall be for maintenance and repair, of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$315,600,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, \$81,853,000, of which—

(A) \$10,000,000, to remain available until expended, shall be for the Maritime Environmental and Technical Assistance program authorized under section 50307 of title 46, United States Code;

(B) \$11,000,000, to remain available until expended, shall be for the Marine Highways Program, including to make grants as authorized under section 55601 of title 46, United States Code; and

(C) \$60,853,000, to remain available until September 30, 2022, shall be for headquarters operations expenses.

(5) For expenses necessary for the disposal of vessels in the National Defense Reserve

Fleet of the Maritime Administration, \$10,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, as authorized under chapter 531 of title 46, United States Code, \$318,000,000, which shall remain available until expended.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, \$33,000,000, of which—

(A) \$30,000,000, to remain available until expended, shall be for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,000,000, to remain available until expended, may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide for the Tanker Security Fleet, as authorized under chapter 534 of title 46, United States Code, \$60,000,000, which shall remain available until expended.

(9) For expenses necessary to provide assistance to small shipyards and for maritime training programs authorized under section 54101 of title 46, United States Code, \$40,000,000, which shall remain available until expended.

(10) For expenses necessary to implement the Port and Intermodal Improvement Program, \$750,000,000, to remain available until expended, except that no such funds may be used to provide a grant to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a port of port terminal.

Subtitle B—Other Matters

SEC. 3511. EXPANDING THE MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

(a) **MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.**—From the amount appropriated under section 3501(1)(A), not more than 60 percent shall be reserved for activities related to technologies that support port and vessel air emissions reductions and to support zero emissions technologies, including identification of new fuel or other power sources.

(b) **USES.**—Section 50307 of title 46, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) **USES.**—The results of activities conducted under subsection (b)(1) shall be used to inform the policy decisions of the United States related to domestic regulations and to the United States position on matters before the International Maritime Organization.”.

SEC. 3512. SUSTAINABLE PORT INFRASTRUCTURE.

(a) **SHORT TITLE.**—This section may be cited as the “Sustainable Port Infrastructure Act”.

(b) **PORT DEVELOPMENT.**—Section 50302(c) of title 46, United States Code, is amended—

(1) in paragraph (3)(A)(ii)—

(A) in subclause (II), by striking “or” after the semicolon; and

(B) by adding at the end the following:

“(IV) projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, including earthquakes, hurricanes and tsunami inundation, including projects for—

“(aa) port electrification or electrification master planning;

“(bb) harbor craft or equipment replacements/retrofits;

“(cc) development of port or terminal micro-grids;

“(dd) providing idling reduction infrastructure;

“(ee) purchase of cargo handling equipment and related infrastructure;

“(ff) worker training to support electrification technology;

“(gg) installation of port bunkering facilities from ocean-going vessels for fuels;

“(hh) electric vehicle charge or hydrogen refueling infrastructure for drayage, and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or

“(ii) other related to port activities including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies; or”;

(2) in paragraph (7)(B), by striking “18 percent” and inserting “25 percent”; and

(3) in paragraph (10)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) EFFICIENT USE OF NON-FEDERAL FUNDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to approval by the Secretary, in the case of any grant for a project under this section, during the period beginning on the date on which the grant recipient is selected and ending on the date on which the grant agreement is signed—

“(I) the grant recipient may obligate and expend non-Federal funds with respect to the project for which the grant is provided; and

“(II) any non-Federal funds obligated or expended in accordance with subclause (I) shall be credited toward the non-Federal cost share for the project for which the grant is provided.

“(ii) REQUIREMENTS.—

“(I) APPLICATION.—In order to obligate and expend non-Federal funds under clause (i), the grant recipient shall submit to the Secretary a request to obligate and expend non-Federal funds under that clause, including—

“(aa) a description of the activities the grant recipient intends to fund;

“(bb) a justification for advancing the activities described in item (aa), including an assessment of the effects to the project scope, schedule, and budget if the request is not approved; and

“(cc) the level of risk of the activities described in item (aa).

“(II) APPROVAL.—The Secretary shall approve or disapprove each request submitted under subclause (I).

“(III) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Any non-Federal funds obligated or expended under clause (i) shall comply with all applicable requirements, including any requirements included in the grant agreement.

“(iii) EFFECT.—The obligation or expenditure of any non-Federal funds in accordance with this subparagraph shall not—

“(I) affect the signing of a grant agreement or other applicable grant procedures with respect to the applicable grant;

“(II) create an obligation on the part of the Federal Government to repay any non-Federal funds if the grant agreement is not signed; or

“(III) affect the ability of the recipient of the grant to obligate or expend non-Federal funds to meet the non-Federal cost share for the project for which the grant is provided after the period described in clause (i).”.

SEC. 3513. SENSE OF CONGRESS ON THE UNITED STATES MERCHANT MARINE.

It is the sense of Congress that the United States Merchant Marine is a critical part of the United States' national infrastructure, and the men and women of the United States Merchant Marine are essential workers.

SEC. 3514. ENSURING DIVERSE MARINER RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and deliver to Congress a strategy to assist State maritime academies and the United States Merchant Marine Academy to improve the representation of women and underrepresented communities in the next generation of the mariner workforce, including—

- (1) Black or African American;
- (2) Hispanic or Latino;
- (3) Asian;
- (4) American Indians, Alaska Native, or Native Hawaiians; or
- (5) Pacific Islander.

SEC. 3516. PREPARING THE MARITIME WORKFORCE FOR LOW AND ZERO EMISSION VESSELS.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Transportation, in consultation with the United States Merchant Marine Academy, State maritime academies, and civilian nautical schools and the Secretary of the department in which Coast Guard is operating, shall develop a strategy to ensure there is an adequate supply of trained United States citizen mariners sufficient to meet the operational requirements of low and zero emission vessels.

(b) REPORT.—Not later than 6 months after the date the Secretary of Transportation determines that there is commercially viable technology for low and zero emission vessels, the Secretary of Transportation shall—

(1) submit a report on the strategy developed under subsection (a) and plans for its implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) make such report publicly available.

SEC. 3519. STRATEGIC SEAPORTS.

Section 50302(c)(6) of title 46, United States Code, is amended by adding at the end the following:

“(C) INFRASTRUCTURE IMPROVEMENTS IDENTIFIED IN THE REPORT ON STRATEGIC SEAPORTS.—In selecting projects described in paragraph (3) for funding under this subsection, the secretary shall consider infrastructure improvements identified in the report on strategic seaports required by section 3515 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1985) that would improve the commercial operations of those seaports.”.

SEC. 3520. IMPROVING PROTECTIONS FOR MIDSHIPMEN ACT.

(a) SHORT TITLE.—This section may be cited as the “Improving Protections for Midshipmen Act”.

(b) SUSPENSION OR REVOCATION OF MERCHANT MARINER CREDENTIALS FOR PERPETRATORS OF SEXUAL HARASSMENT OR SEXUAL ASSAULT.—

(1) IN GENERAL.—Chapter 77 of title 46, United States Code, is amended by inserting after section 7704 the following:

“SEC. 7704a. SEXUAL HARASSMENT OR SEXUAL ASSAULT AS GROUNDS FOR SUSPENSION OR REVOCATION.

“(a) SEXUAL HARASSMENT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part within 10 years before the beginning of the suspension and revocation proceedings,

is the subject of a substantiated claim of sexual harassment, then the license, certificate of registry, or merchant mariner's document shall be suspended or revoked.

“(b) SEXUAL ASSAULT.—If it is shown at a hearing under this chapter that a holder of a license, certificate of registry, or merchant mariner's document issued under this part within 20 years before the beginning of the suspension and revocation proceedings, is the subject of a substantiated claim of sexual assault, then the license, certificate of registry, or merchant mariner's document shall be revoked.

“(c) SUBSTANTIATED CLAIM.—

“(1) IN GENERAL.—The term ‘substantiated claim’ means—

“(A) a finding by any administrative or legal proceeding that the individual committed sexual harassment or sexual assault in violation of any Federal, State, local or Tribal law or regulation; or

“(B) a determination after an investigation by the Coast Guard that it is more likely than not the individual committed sexual harassment or sexual assault as defined in subsection (c).

“(2) INVESTIGATION BY THE COAST GUARD.—An investigation by the Coast Guard under paragraph (1)(B) shall include evaluation of the following materials that shall be provided to the Coast Guard:

“(A) Any inquiry or determination made by the employer as to whether the individual committed sexual harassment or sexual assault.

“(B) Upon request, from an employer or former employer of the individual, any investigative materials, documents, records, or files in its possession that are related to the claim of sexual harassment or sexual assault by the individual.

“(d) DEFINITIONS.—

“(1) SEXUAL HARASSMENT.—The term ‘sexual harassment’ means any of the following:

“(A) Conduct that—

“(i) involves unwelcome sexual advances, requests for sexual favors, or deliberate or repeated offensive comments or gestures of a sexual nature when—

“(I) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

“(II) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person;

“(III) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or

“(IV) conduct may have been by a person's supervisor, a supervisor in another area, a co-worker, or another credentialed mariner; and

“(ii) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

“(B) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a subordinate.

“(C) Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any fellow employee of the complainant.

“(2) SEXUAL ASSAULT.—The term ‘sexual assault’ means any form of abuse or contact as defined in chapter 109A of title 18, United States Code.

“(e) REGULATIONS.—The Secretary of the department in which the Coast Guard is operating may issue further regulations as necessary to update the definitions in this section, consistent with descriptions of sexual

harassment and sexual assault addressed in title 10 and title 18, United States Code, and any other relevant Federal laws, to implement subsection (a) of this section.”.

(2) CLERICAL AMENDMENT.—The table of sections of chapter 77 of title 46, United States Code, is amended by inserting after the item relating to section 7704 the following:

“7704a. Sexual harassment or sexual assault as grounds for suspension or revocation.”.

(c) SUPPORTING THE UNITED STATES MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“SEC. 51323. SEXUAL ASSAULT AND SEXUAL HARASSMENT PREVENTION INFORMATION MANAGEMENT SYSTEM.

“(a) INFORMATION MANAGEMENT SYSTEM.—

“(1) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall establish an information management system to track and maintain, in such a manner that patterns can be reasonably identified, information regarding claims and incidents involving cadets that are reportable pursuant to subsection (d) of section 51318 of this chapter.

“(2) INFORMATION MAINTAINED IN THE SYSTEM.—Information maintained in the system shall include the following information, to the extent that information is available:

“(A) The overall number of sexual assault or sexual harassment incidents per fiscal year.

“(B) The location of each such incident, including vessel name and the name of the company operating the vessel, if applicable.

“(C) The names and ranks of the individuals involved in each such incident.

“(D) The general nature of each such incident, to include copies of any associated reports completed on the incidents.

“(E) The type of inquiry made into each such incident.

“(F) A determination as to whether each such incident is substantiated.

“(G) Any informal and formal accountability measures taken for misconduct related to the incident, including decisions on whether to prosecute the case.

“(3) PAST INFORMATION INCLUDED.—The information management system under this section shall include the relevant data listed in this subsection related to sexual assault and sexual harassment that the Maritime Administrator possesses, and shall not be limited to data collected after January 1, 2023.

“(4) PRIVACY PROTECTIONS.—The Maritime Administrator and the Department of Transportation Chief Information Officer shall coordinate to ensure that the information management system under this section shall be established and maintained in a secure fashion to ensure the protection of the privacy of any individuals whose information is entered in such system.

“(5) CYBERSECURITY AUDIT.—Ninety days after the implementation of the information management system, the Office of Inspector General of the Department of Transportation shall commence an audit of the cybersecurity of the system and shall submit a report containing the results of that audit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(b) SEA YEAR PROGRAM.—The Maritime Administrator shall provide for the establishment of in-person and virtual confidential exit interviews, to be conducted by personnel who are not involved in the assignment of the midshipmen to a Sea Year ves-

sel, for midshipmen from the Academy upon completion of Sea Year and following completion by the midshipmen of the survey under section 51322(d).

“SEC. 51324. STUDENT ADVISORY BOARD AT THE UNITED STATES MERCHANT MARINE ACADEMY.

“(a) IN GENERAL.—The Administrator of the Maritime Administration shall establish at the United States Merchant Marine Academy an advisory board to be known as the Advisory Board to the Secretary of Transportation (referred to in this section as the ‘Advisory Board’).

“(b) MEMBERSHIP.—The Advisory Board shall be composed of not fewer than 12 midshipmen of the Merchant Marine Academy who are enrolled at the Merchant Marine Academy at the time of the appointment, including not fewer than 3 cadets from each class.

“(c) APPOINTMENT; TERM.—Midshipmen shall serve on the Advisory Board pursuant to appointment by the Administrator of the Maritime Administration. Appointments shall be made not later than 60 days after the date of the swearing in of a new class of midshipmen at the Academy. The term of membership of a midshipmen on the Advisory Board shall be 1 academic year.

“(d) REAPPOINTMENT.—The Administrator of the Maritime Administration may reappoint not more than 6 cadets from the previous term to serve on the Advisory Board for an additional academic year if the Administrator determines such reappointment to be in the best interests of the Merchant Marine Academy.

“(e) MEETINGS.—The Advisory Board shall meet with the Secretary of Transportation at least once each academic year to discuss the activities of the Advisory Board. The Advisory Board shall meet in person with the Administrator of the Maritime Administration not less than 2 times each academic year to discuss the activities of the Advisory Board.

“(f) DUTIES.—The Advisory Board shall—

“(1) identify health and wellbeing, diversity, and sexual assault and harassment challenges and other topics considered important by the Advisory Board facing midshipmen both at the Merchant Marine Academy, off campus, and while aboard ships during Sea Year or other training opportunities;

“(2) discuss and propose possible solutions, including improvements to culture and leadership development at the Merchant Marine Academy; and

“(3) periodically, review the efficacy of the program in section 51323(b), as appropriate, and provide recommendations to the Maritime Administrator for improvement.

“(g) WORKING GROUPS.—The Advisory Board may establish one or more working groups to assist the Advisory Board in carrying out its duties, including working groups composed in part of midshipmen at the Merchant Marine Academy who are not current members of the Advisory Board.

“(h) REPORTS AND BRIEFINGS.—The Advisory Board shall regularly provide the Secretary of Transportation and the Administrator of the Maritime Administration reports and briefings on the results of its duties, including recommendations for actions to be taken in light of such results. Such reports and briefings may be provided in writing, in person, or both.

“SEC. 51325. SEXUAL ASSAULT ADVISORY COUNCIL.

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Sexual Assault Advisory Council (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Council shall be composed of not fewer than 8 and not more

than 14 individuals selected by the Secretary of Transportation who are alumni that have graduated within the last 4 years or current midshipmen of the United States Merchant Marine Academy (including midshipmen or alumni who were victims of sexual assault and midshipmen or alumni who were not victims of sexual assault) and governmental and nongovernmental experts and professionals in the sexual assault field.

“(2) EXPERTS INCLUDED.—The Council shall include—

“(A) not less than 1 member who is licensed in the field of mental health and has prior experience working as a counselor or therapist providing mental health care to survivors of sexual assault in a victim services agency or organization; and

“(B) not less than 1 member who has prior experience developing or implementing sexual assault or sexual assault prevention and response policies in an academic setting.

“(3) RULES REGARDING MEMBERSHIP.—No employee of the Department of Transportation shall be a member of the Council. The number of governmental experts appointed to the Council shall not exceed the number of nongovernmental experts.

“(c) DUTIES; AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—The Council shall meet not less often than semi-annually to—

“(A) review—

“(i) the policies on sexual harassment, dating violence, domestic violence, sexual assault, and stalking under section 51318 of this title; and

“(ii) related matters the Council views as appropriate; and

“(B) develop recommendations designed to ensure that such policies and such matters conform, to the extent practicable, to best practices in the field of sexual assault and sexual harassment response and prevention.

“(2) AUTHORIZED ACTIVITIES.—To carry out this subsection, the Council may—

“(A) conduct case reviews, as appropriate and only with the consent of the victim of sexual assault or harassment;

“(B) interview current and former midshipmen of the United States Merchant Marine Academy (to the extent that such midshipmen provide the Department of Transportation express consent to be interviewed by the Council); and

“(C) review—

“(i) exit interviews under section 51323(b) and surveys under section 51322(d);

“(ii) data collected from restricted reporting; and

“(iii) any other information necessary to conduct such case reviews.

“(3) PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this subsection, the Council shall comply with the obligations of the Department of Transportation to protect personally identifiable information.

“(d) REPORTS.—On an annual basis for each of the 5 years after the date of enactment of this section, and at the discretion of the Council thereafter, the Council shall submit, to the President and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, a report on the Council’s findings based on the reviews conducted pursuant to subsection (c) and related recommendations.

“(e) EMPLOYEE STATUS.—Members of the Council shall not be considered employees of the United States Government for any purpose and shall not receive compensation other than reimbursement of travel expenses and per diem allowance in accordance with section 5703 of title 5.

“SEC. 51326. DIVERSITY AND INCLUSION ACTION PLAN.

“(a) IN GENERAL.—Not later than January 1, 2023, the Maritime Administrator shall issue a Diversity and Inclusion Action Plan for the United States Merchant Marine Academy (referred to in this section as the ‘Plan’) and make the Plan publicly available.

“(b) CONTENTS OF DIVERSITY AND INCLUSION ACTION PLAN; SURVEYS.—

“(1) IN GENERAL.—The Plan shall—

“(A) contain a description of how the United States Merchant Marine Academy will increase recruiting efforts in historically underrepresented communities, including through partnerships with historically Black colleges and universities and maritime centers of excellence designated under section 51706;

“(B) develop and make available resources to—

“(i) establish responsibilities for midshipmen, faculty, and staff of the Academy with respect to diversity and inclusion;

“(ii) create standards of—

“(I) training that require interpersonal dialogue on diversity and inclusion;

“(II) setting behavioral boundaries with others; and

“(III) specific processes for the reporting and documentation of misconduct related to hazing, bullying, hate, and harassment;

“(iii) hold leaders and other individuals at the Academy accountable for violations of such standards;

“(iv) equip midshipmen, faculty, and staff of the Academy with the resources and materials to promote a diverse and inclusive working environment; and

“(v) address how concepts of diversity and inclusion can be integrated into the curriculum and training of the Academy.

“(2) SURVEYS.—The Maritime Administrator shall—

“(A) require a biannual survey of midshipmen, faculty, and staff of the Academy assessing—

“(i) the inclusiveness of the environment of the Academy; and

“(ii) the effectiveness of the Plan; and

“(B) require an annual survey of faculty and staff of the Academy assessing the inclusiveness of the environment of the Sea Year program.”

“(2) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this section, the Maritime Administrator shall provide Congress with a briefing on the resources necessary to properly implement this section.

“(3) CONFORMING AMENDMENTS.—The chapter analysis for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

“51323. Sexual assault and sexual harassment prevention information management system.

“51324. Student advisory board at the United States Merchant Marine Academy.

“51325. Sexual assault advisory council.

“51326. Diversity and inclusion action plan.”

“(4) UNITED STATES MERCHANT MARINE ACADEMY STUDENT SUPPORT PLAN.—

“(A) STUDENT SUPPORT PLAN.—Not later than January 1, 2023, the Maritime Administrator shall issue a Student Support Plan for the United States Merchant Marine Academy, in consultation with relevant mental health professionals in the Federal Government or experienced with the maritime industry or related industries. Such plan shall—

“(i) address the mental health resources available to midshipmen, both on-campus and during Sea Year;

“(ii) establish a tracking system for suicidal ideations and suicide attempts of midshipmen;

“(iii) create an option for midshipmen to obtain assistance from a professional care provider virtually; and

“(iv) require an annual survey of faculty and staff assessing the adequacy of mental health resources for midshipmen of the Academy, both on campus and during Sea Year.

“(B) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of this Act, the Maritime Administrator shall provide Congress with a report on the resources necessary to properly implement this paragraph.

“(d) SPECIAL VICTIMS ADVISOR.—Section 51319 of title 46, United States Code, is amended—

“(1) by redesignating subsection (c) as subsection (d); and

“(2) by inserting after subsection (b) the following:

“(c) SPECIAL VICTIMS ADVISOR.—

“(1) IN GENERAL.—The Secretary shall designate an attorney (to be known as the ‘Special Victims Advisor’) for the purpose of providing legal assistance to any cadet of the Academy who is the victim of an alleged sex-related offense regarding administrative and criminal proceedings related to such offense, regardless of whether the report of that offense is restricted or unrestricted.

“(2) SPECIAL VICTIMS ADVISORY.—The Secretary shall ensure that the attorney designated as the Special Victims Advisor has knowledge of Uniform Code of Military Justice procedures, as well as criminal and civil law.

“(3) PRIVILEGED COMMUNICATIONS.—Any communications between a victim of an alleged sex-related offense and the Special Victim Advisor, when acting in their capacity as such, shall have the same protection that applicable law provides for confidential attorney-client communications.”; and

“(3) by adding at the end the following:

“(e) UNFILLED VACANCIES.—The Administrator of the Maritime Administration may appoint qualified candidates to positions under subsection (a) and (c) of this section without regard to sections 3309 through 3319 of title 5, United States Code.”

“(e) CATCH A SERIAL OFFENDER ASSESSMENT.—

“(1) ASSESSMENT.—Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard, in coordination with the Maritime Administrator, shall conduct an assessment of the feasibility and process necessary, and appropriate responsible entities to establish a program for the United States Merchant Marine Academy and United States Merchant Marine modeled on the Catch a Serial Offender program of the Department of Defense using the information management system required under subsection (a) of section 51323 of title 46, United States Code, and the exit interviews under subsection (b) of such section.

“(2) LEGISLATIVE CHANGE PROPOSALS.—If, as a result of the assessment required by paragraph (1), the Commandant or the Administrator determines they need additional authority to implement the program described in paragraph (1), the Commandant or the Administrator, as applicable, shall provide appropriate legislative change proposals to Congress.

“(f) SHIPBOARD TRAINING.—Section 51322(a) of title 46, United States Code, is amended by adding at the end the following:

“(3) TRAINING.—

“(A) IN GENERAL.—As part of training that shall be provided not less than semi-annually to all midshipmen of the Academy, pursuant

to section 51318, the Maritime Administrator shall develop and implement comprehensive in-person sexual assault risk-reduction and response training that, to the extent practicable, conforms to best practices in the sexual assault prevention and response field and includes appropriate scenario-based training.

“(B) DEVELOPMENT AND CONSULTATION WITH EXPERTS.—In developing the sexual assault risk-reduction and response training under subparagraph (A), the Maritime Administrator shall consult with and incorporate, as appropriate, the recommendations and views of experts in the sexual assault field.”

SA 4865. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 proposed by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONVEYANCES OF TRIBAL PROPERTY.

(a) CONVEYANCE OF PROPERTY TO THE TANANA TRIBAL COUNCIL.—

(1) CONVEYANCE OF PROPERTY.—

(A) IN GENERAL.—As soon as practicable, but not later than 180 days, after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall convey to the Tanana Tribal Council located in Tanana, Alaska (referred to in this subsection as the “Council”), all right, title, and interest of the United States in and to the property described in paragraph (2) for use in connection with health and social services programs.

(B) CONDITIONS.—The conveyance of the property under subparagraph (A)—

(i) shall be made by warranty deed; and

(ii) shall not—

(I) require any consideration from the Council for the property;

(II) impose any obligation, term, or condition on the Council; or

(III) allow for any reversionary interest of the United States in the property.

(C) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under subparagraph (A) shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in paragraph (2) executed by the Secretary and the Council.

(2) PROPERTY DESCRIBED.—The property, including all land, improvements, and appurtenances, described in this paragraph is the property included in U.S. Survey No. 5958 in the village of Tanana, Alaska, within surveyed lot 12, T. 4 N., R. 22 W., Fairbanks Meridian, Alaska, containing 11.25 acres.

(3) ENVIRONMENTAL LIABILITY.—

(A) LIABILITY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Council shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in paragraph (2) on or before the date on which the property is conveyed to the Council.

(ii) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in

clause (i) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(B) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this subsection as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(C) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this subsection, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(b) SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM LAND TRANSFER.—

(1) CONVEYANCE OF PROPERTY.—

(A) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this Act, the Secretary shall convey to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska (referred to in this subsection as the “Consortium”), all right, title, and interest of the United States in and to the property described in paragraph (2) for use in connection with health and social services programs.

(B) CONDITIONS.—The conveyance of the property under subparagraph (A)—

(i) shall be made by warranty deed; and

(ii) shall not—

(I) require any consideration from the Consortium for the property;

(II) impose any obligation, term, or condition on the Consortium; or

(III) allow for any reversionary interest of the United States in the property.

(C) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under subparagraph (A) shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in paragraph (2) executed by the Secretary and the Consortium.

(2) PROPERTY DESCRIBED.—The property, including all land and appurtenances, described in this paragraph is the property included in U.S. Survey 1496, lots 4 and 7, partially surveyed T. 55 S., R. 63 E., Copper River Meridian, containing approximately 10.87 acres in Sitka, Alaska.

(3) ENVIRONMENTAL LIABILITY.—

(A) LIABILITY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Consortium shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in paragraph (2) on or before the date on which the property is conveyed to the Consortium, except that the Secretary shall not be liable for any contamination that occurred after the date that the Consortium controlled, occupied, and used the property.

(ii) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in clause (i) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(B) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this subsection as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(C) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this

subsection, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

AUTHORITY FOR COMMITTEES TO MEET

Ms. CORTEZ MASTO. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 10:15 a.m., to conduct a hearing on nominations.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 9:45 a.m., to conduct a business meeting.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 11 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 10 a.m., to conduct a hearing on nominations.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, December 1, 2021, at 2 p.m., to conduct a closed briefing.

ORDERS FOR THURSDAY, DECEMBER 2, 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 10 a.m., Thursday, December 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of H.R. 4350, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCHUMER. For the information of all Senators, we expect a rollcall vote at approximately 12 noon tomorrow on the confirmation of the Nelson nomination.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:46 p.m., adjourned until Thursday, December 2, 2021, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ROGER D. LYLES

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES H. ADAMS III
BRIG. GEN. ERIC E. AUSTIN
BRIG. GEN. MICHAEL J. BORGSCHULTE
BRIG. GEN. WILLIAM J. BOWERS
BRIG. GEN. STEPHEN E. LISZEWSKI
BRIG. GEN. KEITH D. REVENTLOW
BRIG. GEN. SEAN M. SALENE
BRIG. GEN. ROBERTA L. SHEA
BRIG. GEN. BENJAMIN T. WATSON
BRIG. GEN. CHRISTIAN F. WORTMAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

EDWARD W. LUMPKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GINA M. FARRINGTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DISA L. RIFKIN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEREMY D. ADAMS